

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAVERICK GAMING LLC,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 22-cv-05325 DGE

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

[PROPOSED]

Upon consideration of the briefing in support of and in opposition to Plaintiff's Motion for Summary Judgment, it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment is **GRANTED**, and it is **ORDERED** that

1. The challenged Compacts and Compact Amendments violate the Indian Gaming Regulatory Act ("IGRA"), 15 U.S.C. § 1175, 18 U.S.C. § 1955, 18 U.S.C. § 1166, the Constitution's guarantee of equal protection, and the Tenth Amendment, and therefore are void, were not validly entered into, and are not in effect;
2. The Secretary of the Interior's approval of the Compact Amendments; the Governor's execution of the Compacts and Compact Amendment; and the continued administration of the Compacts and Compact Amendments by the

members of the Washington State Gambling Commission violate IGRA, 15 U.S.C. § 1175, 18 U.S.C. § 1955, 18 U.S.C. § 1166, the Constitution's guarantee of equal protection, and the Tenth Amendment;

3. The continued enforcement against Maverick of Washington's criminal laws prohibiting class III gaming violates the Constitution's guarantee of equal protection;

4. The Tribes' class III gaming activities violate IGRA, 15 U.S.C. § 1175, 18 U.S.C. § 1955, and 18 U.S.C. § 1166;

5. The Secretary of the Interior's approvals of the Compact Amendments are **VACATED**;

6. The members of the Washington State Gambling Commission are **ENJOINED** from continuing to administer the Compacts and Compact Amendments;

7. The Governor, Attorney General, and members of the Washington State Gambling Commission are **ENJOINED** from enforcing against Maverick Washington's criminal laws prohibiting class III gaming;

8. Defendants shall pay Plaintiff its reasonable costs, including attorneys' fees, incurred in bringing this action; and

9. Defendants shall pay Plaintiff nominal damages.

SO ORDERED this ____ day of _____, ____.

Hon. David G. Estudillo
U.S. District Court Judge

Presented by:

BRENNAN LEGAL, PLLC

By: s/ Thomas M. Brennan

Thomas M. Brennan, WSBA No. 30662

P.O. Box 1384

144 Railroad Ave. S., Suite 308

Edmonds, WA 98020

Phone: (425) 967-3550

Email: tom@brennanlegalpllc.com

GIBSON, DUNN & CRUTCHER LLP

By: s/ Theodore B. Olson

By: s/ Matthew D. McGill

By: s/ Lochlan F. Shelfer

Theodore B. Olson, D.C. Bar No. 367456

Matthew D. McGill, D.C. Bar No. 481430

Lochlan F. Shelfer, D.C. Bar No. 1029799

1050 Connecticut Avenue, N.W., Suite 900

Washington, D.C. 20036-5303

Phone: (202) 955-8668

Email: tolson@gibsondunn.com

Email: mmcgill@gibsondunn.com

Email: lshelfer@gibsondunn.com

Attorneys for Plaintiff Maverick Gaming LLC